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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,057	07/21/2003	Simon Arthur	30020516 US02	6494

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EXAMINER

PRENTY, MARK V

ART UNIT	PAPER NUMBER
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2822

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/624,057

Applicant(s)

ARTHUR ET AL.

Examiner

MARK V PRENTY

Art Unit

2822

*AP*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/21/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This Office Action is in response to the papers filed on July 21, 2003.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurashima (Japanese Kokai 7-294777, submitted in the Information Disclosure Statement filed on July 21, 2003).

With respect to independent claim 1, Kurashima discloses (see the entire reference, including the English language abstract page) an optoelectronic device, comprising an open-ended metal canister 21, an insulating substrate 1/11/2/22, at least one optoelectronic component 3 mounted on said substrate, and one or more electrical connections made to said component(s), wherein: the insulating substrate closes the open end of the metal canister so that the metal canister and insulating substrate together form a housing for one or more of said components mounted on the substrate; the insulating substrate acts as a circuit board to carry said electrical connections from said component(s) externally of the housing; and the canister has at least one optical port (its hole) by which optical radiation may be transmitted into and/or out of said housing.

Claim 1 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Kurashima.

With respect to dependent claim 2, Kurashima's housing is hermetically (tightly) sealed (see the English language abstract).

Claim 2 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Kurashima.

With respect to dependent claim 3, Kurashima's optical port includes an optical window (the hole in canister 21).

Claim 3 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Kurashima.

With respect to dependent claim 4, Kurashima's optical port includes a receptacle for an optical component (canister 21's optical-fiber-holding hole).

Claim 4 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Kurashima.

Claims 5-11 are objected to as being dependent upon a rejected base claim, but would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not disclose or suggest the claimed optoelectronic device taken as a whole, including the canister and substrate.

Pearlman (United States Patent 5,828,074) is relevant to this application.

Registered practitioners can telephone the examiner at (571) 272-1843. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the Application/Control (Serial) Number. Technology Center 2800's general telephone number is (571) 272-2800.

  
**Mark V. Prenty**  
Primary Examiner